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Docket 86451DAN
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Stacy S. Cook, et al

METHOD AND SYSTEM FOR SELF-SERVICE FILM PROCESSING

Serial No. 09/778,023

Filed 05 February 2001

Group Art Unit: 2851

Examiner: Della J. Rutledge

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Tracey Thomas
Tracey Thomas

August 29, 2003
Date

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Transmitted herewith is an amendment in the above-identified application:

- ☒ No additional fee is required.
☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		* HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	95	MINUS	95	0	X 18	\$0
INDEP	5	MINUS	5	0	X 84	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+ 280	\$ 0
TOTAL						\$0

* The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

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- ☒ Any additional filing fees required under 37 CFR 1.16.
☒ Any patent application processing fees under 37 CFR 1.17.
(For Extensions of Time and other Petitions to the Assistant Commissioner)

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Response

Reconsideration of the present application in view of the following remarks is respectfully requested.

REMARKS

Claims 1-95 are pending in the present application. Claims 1-95 were rejected under 35 U.S.C. 102(b) based upon public use or sale of the invention.

With respect to the above-noted rejection, Applicants submit that the material alleged by the Examiner as being evidence of the public use or sale of the invention does not constitute a public use or a sale of the invention under 35 U.S.C. 102(b).

On page 2, paragraph 2 of the invention, the Examiner indicates that the submitted materials representative of meetings held January 12, 1998, and June 21, 1999, constitute a "sale" prior to the filing date of the present application.

First, with respect to public use of a claimed invention under 35 U.S.C. 102(b), this occurs when the inventor allows another person to use the invention "without limitation, restriction or obligation of secrecy to the inventor" (see In re: Smith, 714 F.2d 1127, 1134, 218 USPQ 976, 983 (Fed. Cir. 1983)).